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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,375	05/15/2001	Joseph Ward	75275C/PRC	9500

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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,375

Applicant(s)

WARD ET AL.

Examiner

Tuan V Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (US 5,737,491).

With regard to claims 1, 2 and 3, Allen discloses in Fig. 1, a digital camera that comprises the optics (digital camera 10 inherently includes an optical lens so as to capture an object image and transmits it to the image sensor), sensor (image sensor 14, col. 2, line 36), first memory (memory 22), second memory for storing a network configuration file (input device 27 is used to provide electronic address or file name to camera 10 in order to send an image to a selected destination; thus, digital camera 10 must inherently include a second memory portion located in memory 22 to store the address or file name and thereby to send an image data to a selected destination such as image fulfillment server 34, col. 2, lines 65-67 and col. 3, lines 1-4), communication interface (wireless transceiver 32, col. 2, line 49), the steps of storing the network configuration file (external input device 27 working in combination with microprocessor 20 loads electronic addressor file name into a second memory), using the optics and image sensor (digital camera 10 performs an image taking operation), using at least one of the

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plurality of user inputs (input device 27 selects an electronic address or file name and thereby to send an image to a selected destination via transceiver 22); except that the steps of viewing one of the plurality of digital images on a display, using one of plurality of user inputs to initiate transfer and using network configuration file.

Allen et al does not explicitly disclose any of the steps of viewing an image, using one of user input and using network configuration file. However, Allen teaches using secondary transmission channels 46 that are used to connect the server 34 to Internet communication systems based on control signals received with digital images (Col. 3, lines 34-40).

Official Notice is taken that 1) a digital camera includes a display monitor so as to view playback images and 2) a network configuration file including protocol type identifier such as a TCP/IP protocol is used to establish communications with an Internet service provider.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a display monitor on the Allen digital camera and replace the down-loaded information from input device 27 with a network configuration file in order that a

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user can select a desired images on a display monitor and send the images to an Internet service provider after the camera automatically establishes communications with a service provider. That is because the modification of the Allen digital camera would allow a user to easily and conveniently to sent directly a desired image to a destination via Internet without going through the fulfill server 38.

With regard to claim 4, Official Notice is taken that a service provider can provide status feedback to a user side and the status is displayed on a display monitor at the user side.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Allen et al so as to obtain a service provider can transfer a feedback indicating the status of transfer process such as a transfer completion to a user side and the status is displayed on a display monitor at the user side. This is because the modification of the Allen system would allow a user to verify the transmission and thereby to improve the camera efficiency.

With regard to claims 7 and 8, Allen does not explicitly disclose input device 27 that is a host

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computer. However Official Notice is taken for a host computer that is used as an input device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device of Allen with a host computer so as to easily generate separate input data that is stored in the computer hard drive.

With regard to claims 9-13, Allen does not explicitly disclose any network configuration file that is phone number, account data, Internet account data, charge number data or account data being a billing address.

Official Notice is taken that network configuration file that includes phone number, account data, Internet account data, charge number data or account data being a billing address.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the configuration file of Allen et al so as to obtain a network configuration file that includes phone number, account data, Internet account data, charge number data or account data being a billing address. That is because the modification of the configuration file of Allen et al including phone number, account data, Internet

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account data, charge number data or account data being a billing address would allow a user to conveniently send digital images to a service provider in order to obtain printed image on a hard copy without walking to a photo-store for a print and for paying.

Claims 14, 15 and 16 recite what was discussed with respect to claim 4.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of Hiyashi et al (US 5,434,618).

Allen discloses the same subject matter as discussed with respect to claim 1, except that both first and second memories are memory locations on the same removable memory card.

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Allen et al does not explicitly disclose any removable memory card. However, Hiyashi et al teaches using a removable memory card in an electronic camera (col. so as easily and quickly to replace the memory card and thereby to improve the versatility of the camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the memory 22 of Allen et al with the removable memory card of Hiyashi et al so as to store image data and electronic address in the same memory card and thereby easily to replace the card as needed.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hull discloses a wireless transfer from a digital camera to a network computer.

Safai et al discloses a digital camera that can be connected to Internet.

Yokodate et al discloses a video phone that includes a modem.

Gerszberg et al discloses a video phone that can transmit image data.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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